

Customer No.: 31561  
Docket No.: 10396-US-PA-1  
Application No.: 10/711,665

### REMARKS

#### Present Status of the Application

The Office Action rejected all presently-pending claims 1-8. Specifically, the Office Action rejected claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over Kimura (US 6,195,196) in view of Stern (U.S. 5,771,321).

Applicants have amended claim 1 to overcome the rejection and added claim 9. The limitations added in claims 1 and 9 are described at paragraphs [0029], [0032] and shown in Fig. 3. No new matter is entered. After entry of the foregoing amendments, claims 1-9 remain pending in the present application, and reconsideration of those claims is respectfully requested.

#### Discussion of Office Action Rejections

*Applicants respectfully traverse the rejection of claims 1-8 under 103(a) as being unpatentable over Kimura (US 6,195,196) in view of Stern (U.S. 5,771,321) because a prima facie case of obviousness has not been established by the Office Action.*

To establish a prima facie case of obviousness under 35 U.S.C. 103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of the three

Customer No.: 31561  
Docket No.: 10396-US-PA-1  
Application No.: 10/711,665

requirements must "be found in the prior art, and not be based on applicant's disclosure." See M.P.E.P. 2143, 8<sup>th</sup> ed., February 2003.

The present invention is in general related an optical interference color display as claim 1 recites:

Claim 1. An optical interference color display, comprising:  
a transparent substrate;  
a plurality of first electrodes on the transparent substrate;  
a patterned support layer on the transparent substrate, wherein the patterned support layer is between the first electrodes;  
a plurality of optical films on the first electrodes;  
a plurality of second electrode on the first electrodes, wherein the second electrodes are supported by the patterned support layer and that *there are first air gaps, second air gaps and third air gaps having different air gap thicknesses between the second electrodes and the respective first electrodes*; and  
an optical diffusion layer on the second electrodes facing the respective surfaces of the first electrodes.

Kimura fails to teach or suggest that there are first air gaps, second air gaps and third air gaps having different air gap thicknesses between the second electrodes and the respective first electrodes. Kimura discloses an exposing device, as shown in Fig. 1, in which the air gaps 11 are formed between the signal electrodes 3 and the scan electrodes 13. However, Kimura does not teach or suggest that the air gaps 11 in different light modulator units 14 have different air gap thicknesses.

In particular, the device of claim 1 is a color display that is very different from the exposing device. The device of claim 1 is a color display, in which there are first air gaps, second air gaps and third air gaps having different air gap thicknesses between the second

Customer No.: 31561  
Docket No.: 10396-US-PA-1  
Application No.: 10/711,665

electrodes and the respective first electrodes. Therefore, a color image can be shown on the display of claim 1. However, the exposing device disclosed by Kimura is able to perform digital multi-exposure, high-speed recording (typing or printing) can be performed when it is employed in an image recording apparatus (a printer, a duplicator) which forms an image by exposing (col. 13, lines 10-15). Therefore, the exposing device is not used to show a color image, and a color image can not be shown on the exposing device.

Moreover, Stern also fails to teach or suggest that there are first air gaps, second air gaps and third air gaps having different air gap thicknesses between the second electrodes and the respective first electrodes. Therefore, Stern cannot cure the deficiencies of Kimura. The reference or references, taken alone or combined, fails to teach or suggest each and every element in claim 1.

For at least the foregoing reasons, Applicant respectfully submits that independent claim 1 patently define over the prior art references, and should be allowed. For at least the same reasons, dependent claims 2-8 patently define over the prior art as well.

Applicants further newly added claim 9 claiming that the air gap thickness of the first air gaps is smaller than that of the second air gaps and the air gap thickness of the second air gaps is smaller than that of the third air gaps, wherein red light is emitted through the first air gaps, blue light is emitted through the second air gaps and green light is emitted through the third air gaps. The limitation in claim 9 is not disclosed in Kimura's reference and Stern's reference.

Customer No.: 31561  
Docket No.: 10396-US-PA-1  
Application No.: 10/711,665

**CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims 1-9 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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